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REMARKS

Claims 1-7 and 11-20 are canceled without prejudice to or disclaimer of the subject matter therein. Claim 8 is amended. Support for the amendment can be found in claim 1 as originally filed. Therefore no new subject matter has been added. Claims 8-10 are currently pending.

Applicant hereby provisionally elects with traverse to prosecute the claims of Group I (claims 1-3 and 8-10), as drawn to SEQ ID NO:3, and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Applicant traverses in-part for the reasons set out in the following paragraphs.

The Examiner has required restriction "between SEQ ID NO:3 and 4" reasoning that "each of the recited and claimed sequences are functionally and structurally distinct." However, the claims are not drawn to those sequences. Rather, the claims recite an immunogenic fragment of a Cripto polypeptide. It is then specified that "the immunogenic fragment is immunologically reactive with an antibody and/or T-cell that reacts with a polypeptide of SEQ ID NO:3 or SEQ ID NO:4, wherein said immunogenic fragment is at least 20 contiguous amino acids in length, comprises SEQ ID NO:97...." Further, as the Examiner is aware the amino acid sequence of SEQ ID NO:97 can be found within both of SEQ ID NO:3 and SEQ ID NO:4 (at positions 97-113). Thus, not only are the claims not drawn to SEQ ID NO:3 or SEQ ID NO:4, it is highly likely that antibodies or T-cells that react with a polypeptide of SEQ ID NO:3 would also react with SEQ ID NO:4. It would therefore be unduly burdensome and duplicative for both the USPTO personnel and Applicants to search and examine two claim sets, one reciting SEQ ID NO:3 and the second reciting SEQ ID NO:4. Applicants request reconsideration of the restriction requirement on this point.

If, in the opinion of the Examiner, a telephone conference would expedite

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the prosecution of the subject application, the Examiner is invited to call the undersigned.

The Commissioner is hereby authorized to charge any fees required or credit any overpayment to Deposit Account No. 07-1392.

Respectfully submitted,



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